

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TIMOTHY CICHOCKI, et al.,

Plaintiffs,

v.

BANK OF AMERICA,

Defendant.

Civil No. 12-cv-10441-NMG

REPORT AND RECOMMENDATION ON
DEFENDANT'S MOTION TO DISMISS (DOC. NO. 44)

June 24, 2013

SOROKIN, C.M.J.

Defendant Bank of America seeks dismissal of the second Amended Complaint filed against it by the pro se plaintiffs, Timothy Cichocki and Y. Dolly Hwang. Doc. Nos. 44, 45. The Court previously dismissed two earlier complaints filed by the plaintiffs in this action, finding such complaints failed to comply with the relevant pleading requirements under the Federal Rule of Civil Procedure. Doc. Nos. 15, 26, 38. Although the plaintiffs' latest attempt to remedy the defects present in their previous pleadings has brought their complaint into compliance with Rule 10, it has not incorporated sufficient factual allegations to state any plausible claim for relief against Bank of America. As such, I recommend that the motion be ALLOWED, and the amended complaint be DISMISSED with prejudice.

I. BACKGROUND¹

Seventeen years ago, the plaintiffs purchased a condominium at 31 Pinckney Street in

¹The facts recited herein are drawn from the Amended Complaint, Doc. No. 39, and the documents attached thereto or expressly incorporated therein.

After consideration of plaintiffs' Response (treated as objections) thereto (Docket No. 68), Report and Recommendation is accepted and adopted. J/M Gorton, USDT 12/27/13